

EXHIBIT 16

TRANSCRIPT

Texas Senate Special Committee on Redistricting
September 28, 2021

Transcript Produced by Rebecca Farris

1 SENATOR HUFFMAN: The Senate Special Committee
2 on Redistricting will come to order. Please call the
3 roll.

4 THE CLERK: Alvarado. Bettencourt. Birdwell.
5 Campbell. Hancock. Hughes. Lucio. Nichols. Paxton,
6 Perry. West. Whitmire. Zaffirini. Hinojosa. Huffman.

7 SENATOR HUFFMAN: Okay. A quorum is
8 established. I'd like to welcome everyone to today's
9 hearing. We are meeting today to consider proposed
10 committee amendment to Senate Bill 4, the Texas Senate
11 redistricting plan; and Senate Bill 7, the State Board of
12 Education redistricting plan.

13 If you recall last week, the committee held
14 two public hearings to solicit invited and public
15 testimony on these two proposed plans. The committee did
16 not receive any proposed committee amendments to
17 Senate Bill 7. Today will be an opportunity for the
18 committee and the public to discuss the proposed
19 committee amendment to SB4, which have been publicly
20 posted on the Texas Legislative Councils District Viewer
21 website since they were published by the author.

22 To provide a brief overview of our hearings.
23 First, we lay out each committee amendment to SB4 that is
24 sponsored by a committee member. Then we will open up
25 public testimony to hear additional input on the proposed

1 amendment. After public testimony, the committee will
2 consider a vote on each proposed amendment. Finally, the
3 committee intends to vote on whether to recommend both
4 Senate Bill 4 and Senate Bill 7 for consideration by the
5 full senate. I also want to remind members to review
6 Senate Resolution 4, which was unanimously adopted by the
7 senate during the regular session and outlines the
8 process and deadlines for floor amendments. That's floor
9 amendments. If these two bills are voted out of
10 committee today, floor amendments must be filed with the
11 calendar clerk by 9:00 a.m. on Friday, October 1st, 2021,
12 per SR4, that is the resolution.

13 Now, does any member have any questions before
14 we start laying out the proposed amendment to SB4?
15 Because I want to remind members that that will be a
16 strict deadline. That is a senate rule, and can
17 only -- so it will be a strict deadline. That's going to
18 be 9:00 a.m., Friday, October 21st, for any floor
19 amendment to be able to be considered on the senate
20 floor.

21 All right. I am going to turn the gavel over
22 to Vice Chair Hinojosa, who will preside for the rest of
23 the hearing, since it's my legislation being considered.

24 SENATOR HINOJOSA: Good afternoon. At this
25 time the Chair will lay out Senate Bill 4, which is the

1 senate redistricting map. And we'll open -- I will also
2 be laying out the committee amendments now so that we can
3 open public testimony on Senate Bill 4 to hear from the
4 public about this proposed amendments, and then, members,
5 I think each one of you received a copy because it had
6 been filed beforehand.

7 And at this time I'll open public testimony,
8 and each witness will have three minutes -- three minutes
9 to testify on the proposed committee amendments. I will
10 call down the witnesses from the gallery in groups of
11 ten. When your name is called, please make your way down
12 to the chamber. After you've testified, please exit the
13 chamber. You may take -- you may make your way back to
14 the gallery to watch the remainder of the hearing. At
15 this time we are open for public testimony. Is anyone
16 present who would like to testify for, on, or against
17 Senate Bill 4? If not, we will close public testimony on
18 the amendments will be offered and on Senate Bill 4.

19 At this time the Chair lays out committee
20 amendment number 1 and recognizes Senator Huffman to
21 explain the committee amendment.

22 SENATOR HUFFMAN: All right. Members, before
23 discussing this specific amendment, I'd like to remind
24 everyone of the criteria I used in proposing and
25 considering new districts. We focused on complying with

1 all applicable law including the Constitution, the
2 Voting Rights Act, and the requirement to equalize
3 district populations based on the 2020 census, focused on
4 keeping political subdivisions together, keeping
5 communities of interest together, preserving the cores of
6 existing districts, creating geographically compact
7 districts, addressing partisan considerations, protecting
8 incumbents, and when possible honoring reasonable
9 requests made by incumbent members. These considerations
10 have also guided my approach to what proposed committee
11 amendments I'm able to support.

12 So the first amendment -- this first amendment
13 was part of the committee's continued work on the
14 proposed plan S2101, which was the filed version, and was
15 negotiated with many different members. Because these
16 changes were part of the overall strategy of the plan,
17 I'm offering this amendment as the plan's author. This
18 amendment slightly increases the plan's overall deviation
19 from 5.5 to 5.98 percent, still very well within the
20 legal requirements. And in this SD30 becomes the largest
21 district. SD3 had been the largest in the file version,
22 and SD31 remains the smallest district, and this
23 amendment impacts Districts 3, 5, 7, 10, 18, 19, 21, 22,
24 24, 25, 28, 30, and 31. And I have -- I'm happy to go
25 through the changes. They're numerous. Many are small,

1 but I will have an amendment to this amendment. An
2 amendment to the amendment, which is going to -- so the
3 one that was first posted on District Viewer earlier
4 beginning before the last hearing will be an amended by
5 an amendment. And I'm going to go ahead and explain that
6 so you'll know what you're voting for. And basically
7 this amendment impacts Districts 3, 4, 10, 19, 21, 28,
8 and 30. Again, this was part of a continued work. It
9 makes some minor changes. It changes one
10 (indecipherable) in Jefferson County, both senators from
11 3 to 4, both Senator Nichols and Senator Creighton are
12 aware of that. It makes some changes to SD10 and SD30.
13 Senator Springer has been made aware of that, and then as
14 many of you heard discussions between Senator Zaffirini
15 and Senator Gutierrez on the senate floor it puts SD19
16 and SD21 back in the position it -- they were the first
17 time the proposed plan was filed. There's also a slight
18 change in Wichita County for SD28, and it loses one BTU.
19 Senator Perry is aware of that. Basically, that put -- I
20 believe that put Senator Springer's district office back
21 into his district, which had been inadvertently removed.
22 So that amendment to the amendment will be the
23 difference.

24 So with that, I think that's it, so I'd ask
25 for support of the amendment.

1 SENATOR HINOJOSA: Senator Huffman, are you
2 asking that we -- you're offering an amendment to the
3 amendment number 1?

4 SENATOR HUFFMAN: Yes.

5 SENATOR HINOJOSA: Members, are there any
6 questions for Senator Huffman? Are there any objections
7 to adopting the amendment to amendment number 1? We're
8 going to back up here, members. First, we're going to
9 take up amendment number 1. It was explained by
10 Senator Huffman, and we'll adopt that amendment, and it
11 will come back to Senator Huffman to the amendment to the
12 amendment explained there as separate amendment. And at
13 this time, I guess, Senator Huffman moves adoption of
14 amendment number 1.

15 SENATOR HUFFMAN: Correct.

16 SENATOR HINOJOSA: Members, you have the
17 motion. Is there any objections to the motions to adopt
18 amendment number 1? Chair hears none. Amendment
19 number 1 is adopted.

20 At this time the Chair makes out
21 senator -- committee amendment number 2, and that's the
22 amendment you just explained. Are there any questions,
23 or would you like to explain further, Senator Huffman?
24 Are there any questions for Senator Huffman on the
25 amendment -- committee amendment number 2? That's plan

1 S2126. That's a committee amendment number 2. Members,
2 are there any objections to the amendment offered by
3 Senator Huffman on committee amendment number 2, which is
4 Plan S2126? Okay. Committee members, with the patience,
5 we try to follow the proper procedure here,
6 Senator Huffman and members. At this time I'm being told
7 that committee amendment number 1 would be withdrawn and
8 left pending, and we'll take it up after we take up other
9 amendments, and is there objection to withdrawing
10 committee amendment number 1 that was adopted? The Chair
11 hears no objection. Therefore, committee amendment
12 number 1 is adopted -- not adopted.

13 Now, we're going back to committee amendment
14 number 2, which is plan S2126, and that is committee
15 amendment number 2 as explained by Senator Huffman.
16 Are there any further questions of Senator Huffman? Hear
17 not. Are there any objections to adopting committee
18 amendment number 2, S2126? If not, committee amendment
19 number 2 is adopted. There are no objections.

20 At this time the Chair lays out committee
21 amendment number 3, which is plan S2120 and recognizes
22 Senator Zaffirini to explain the amendment.

23 SENATOR ZAFFIRINI: Thank you, Mr. Chairman.
24 Mr. Chairman and members, this amendment to the amendment
25 is by Senator West, who could not be here today. It

1 impacts his District 23 and Senator Birdwell's 22 and is
2 acceptable to both, and I believe to the Chair of the
3 committee and author of the bill. It would make
4 precincts with a population of 20 -- thousand 776 in
5 Tarrant County from Senate District 22 to Senate District
6 23, and then would also move another eight precincts from
7 Senate District 23 to Senate District 22. If you would
8 like, I would read out the names of all counties, or the
9 number of the precincts affected. This amendment would
10 keep both districts within the acceptable population
11 deviation and provides these communities with
12 representation that reflects their values. And again, if
13 you would like me to call out the names of the precincts,
14 I will be happy to do so.

15 SENATOR HINOJOSA: Senator Huffman.

16 SENATOR HUFFMAN: Thank you, and thank you,
17 Senator Zaffirini. Members, Senator West offered three
18 amendments swapping precincts between his District 23 and
19 District 22 Senator Birdwell's district. As originally
20 proposed, in Plans S2103 and S2112, Senator West proposed
21 changes to District 23, would have taken the district's
22 total population a little high and out of sync with my
23 objective of keeping a small overall deviation within the
24 plan. I appreciate Senator West's office working on the
25 amendment and proposing Plan S120, which keeps the total

1 population in SD23 within the overall deviation range
2 that we were shooting for. My office has spoken with
3 Senator Birdwell, the only other senator impacted by the
4 change, and he has no objection to Plan S2120. Because
5 of this and because I believe this amendment is
6 consistent with the redistricting objectives and criteria
7 I just explained, this amendment is acceptable to the
8 author.

9 SENATOR HINOJOSA: Members, the amendment on
10 number 3 is acceptable to the author. Are there any
11 objections to that? If not, committee amendment S2120 as
12 explained by Senator Zaffirini for Senator West is
13 adopted.

14 Are you ready Senator Zaffirini? At this time
15 the Chair lays out committee amendment number 4 from
16 Senator Powell sponsored by Senator Zaffirini.

17 SENATOR ZAFFIRINI: Thank you, Mr. Chairman.
18 This is committee amendment 4 for Senator Powell as
19 sponsored by Senator Alvarado, and she should be here
20 soon, but until she gets here, I'm happy to offer it for
21 her. Mr. Chairman and members, Senator Alvarado was
22 sponsoring this amendment to Senator Huffman amendment
23 for Senator Powell. This amendment simply restores
24 Senate District 10 to its benchmark under Plan S172
25 passed in 2013 when the legislature enacted the

court-ordered maps following the 2011 federal court
ruling on Senate District 10. To restore
Senate District 10, the amendment makes necessary changes
to Senate Districts 12 and 9 by moving both districts
around in Tarrant County. It adds Parker and
Johnson counties to Senate District 22 and adds Brown,
Callahan, Palo Pinto, Shackelford, Stephens, and Young
counties to Senate District 30. This amendment also
brings into Senate District 23 -- well, it brings Senate
District 23 into Tarrant County consistent with
Senator West proposed amendment.

12 SENATOR HINOJOSA: Any questions,
13 Senator Huffman?

SENATOR HUFFMAN: Members, this amendment proposes changes to multiple districts in the DFW area. In testimony before this committee, Senator Powell argued that we should not make changes to the existing SD10 because it has close to ideal total population as currently configured, but this does not account for the neighboring districts including, for instance, SD8, which was overpopulated by 57,955, SD12 which was overpopulated by 146,201, or SD30 which was overpopulated by 87,087 people. Shifts throughout the DFW area were needed to account for this growth -- growth. Based on this and other redistricting objectives I discussed earlier, I

1 proposed changes to SD10. Senator Powell also urged the
2 committee to adopt boundaries to SD10 based upon the race
3 of the people living in parts of Tarrant County. As I
4 have made clear, my proposed plans were drafted blind to
5 racial data, and I obtained legal advice prior to filing
6 to ensure there was no inadvertent violations of the
7 Voting Rights Act during this race-blind drafting. I
8 also sought legal advice on the configuration of SD10 as
9 proposed in this Plan S2119. After consultation with my
10 legal counsel and my committee staff, I respectfully
11 disagree with the suggestion that this configuration of
12 SD10 is required by Section 2 of the Voting Rights Act.
13 Because I do not believe that the proposed changes are
14 required by law, because I want to accommodate the
15 redistricting objectives I discussed earlier and to
16 ensure that no voters are placed in or out of a district
17 based solely on their race, I will respectfully be voting
18 against this amendment.

19 SENATOR HINOJOSA: Any questions,
20 Senator Alvarado? Do you want to speak on this
21 amendment?

22 SENATOR ALVARADO: Thank you, Mr. Chairman.
23 And I want also thank Senator Zaffirini for laying the
24 amendment out, and I just wanted to express my support
25 for the amendment making the changes to restore Senate

District 6 -- I'm sorry, Senate District 10 to its benchmark plan under the S172 passed in 2013 when the legislature enacted the court-ordered maps following the 2011 federal court ruling on Senate District 10.

Thank you.

SENATOR HINOJOSA: Senator Alvarado and Senator Zaffirini move adoption of committee amendment number 4. There is objection as you heard, so we -- the Clerk will call the roll.

THE CLERK: Alvarado. Bettencourt.

SENATOR BETTENCOURT: Nay.

THE CLERK: Birdwell. Campbell. Hancock.

Hughes. Lucio. Nichols. Paxton. Perry. West.

Whitmire. Zaffirini. Hinojosa. Huffman.

SENATOR HINOJOSA: There being five ayes and nine nays, the amendment fails to adopt.

At this time we will go back to back to committee amendment number 1, which is one we initially had adopted, and then we withdrew the adoption, so -- and you all heard the explanation. So Senator Huffman moves adoption of amendment number 1 as amended by amendment number 2 and 3. Are there objection to the adoption? The objection to the adoption of committee amendment number 1 amended by amendment number 2 and 3. If not, committee amendment number 1 is adopted as amended by

1 amendment number 2 and number 3. Senator Huffman moves
2 that the amendments be rolled into a committee substitute
3 and then the committee substitute be adopted. Is there
4 any objection? There be no objection, the committee
5 substitute is adopted. At this time Senator Huffman
6 moves the Senate Bill 4 be reported to the senate with
7 the recommendation that it do not pass but that the
8 committee substitute adopt it in lieu thereof do pass and
9 be printed. Clerk will call the roll. Not be printed,
10 excuse me. In lieu thereof do pass and not be printed.
11 I correct that. Clerk, please, call the roll.

12 THE CLERK: Alvarado. Bettencourt. Birdwell.
13 Campbell. Hancock. Hughes. Lucio. Nichols. Paxton.
14 Perry. West. Whitmire. Zaffirini. Hinojosa. Huffman.

15 SENATOR HINOJOSA: There being 12 ayes and no
16 nays, the -- I'm sorry. 12 ayes and 2 nays, Senate Bill
17 4 as substituted is adopted. So the Senate Bill 4 as
18 substituted and reported to the senate favorably, with
19 favorable recommendation. Members, at this time the
20 Chair will lay out Senate Bill 7. Senator Huffman moves
21 that Senate Bill 7 be reported to the senate with
22 recommendation that it do pass and not be printed.
23 Clerk, please call the roll.

24 THE CLERK: Alvarado. Bettencourt.

25 SENATOR BETTENCOURT: Aye.

1 THE CLERK: Birdwell. Campbell. Hancock.

2 Hughes. Lucio. Nichols. Paxton. Perry. West.

3 Whitmire. Zaffirini. Hinojosa. Huffman.

4 SENATOR HINOJOSA: There being 14 ayes and no
5 nays, senate bill will be reported favorably to the
6 senate.

7 SENATOR HUFFMAN: Okay. Members, I just want
8 to remind everyone about the floor amendments that must
9 be -- for these two bills that we just voted out must be
10 filed with the calendar clerk by 9:00 a.m. on Friday,
11 October 1st, and that's per the resolution number 4 that
12 deals with redistricting rules. Everyone is aware of the
13 rules which would be tightly followed because they are
14 senate rules. And reminding everyone that we will have
15 another hearing to solicit invited and public testimony
16 on Senate Bill 6, the proposed congressional map, this
17 Thursday at 9:00 a.m.

18 And there being no other business to -- hold
19 on. Hang on a second. And there being no other business
20 that will come before the Senate Special Committee on
21 Redistricting we will stand in recess subject to the call
22 of the Chair.

1 I, REBECCA FARRIS, a competent court reporter and
2 disinterested person, transcribed the pre-recorded
3 video/audio proceedings.

4

5 Dated November 24, 2021.

6

7 Electronically signed/Rebecca Farris
8 Rebecca Farris
9 Stenographic Court Reporter